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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
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9 HAI NGUYEN,

10 Plaintiff,

11 v.

12 CITY OF VANCOUVER, VANCOUVER
13 POLICE DEPARTMENT, and JOHN DOE
Vancouver Police Officer,

14 Defendants.

NO.

(Civil Rights)

Demand for Jury Trial

COMPLAINT

15 **INTRODUCTION**

16 1. COMES NOW Plaintiff, HAI NGUYEN, hereinafter referred to as "Plaintiff", by
17 and through his attorney of record, Brian A. Walker of the Brian Walker Law Firm,
18 P.C., and brings this Complaint against the above-named defendants, and alleges and
19 claims as follows:

20 **I. PARTIES**

- 21 1. HAI NGUYEN, Plaintiff, is a United States citizen, residing in the City of
22 Vancouver, Washington.
- 23 2. Defendant, Officer JOHN DOE (hereinafter referred to individually or collectively as
24 "Officer Doe"), is a yet unidentified officer or officers, and at all times material to
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COMPLAINT

Brian Walker
LAW FIRM, PC

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- 1 this Complaint, was employed as a police officer by the VANCOUVER POLICE
2 DEPARTMENT, and are sued in both their individual and official capacities.
- 3 3. Defendant, VANCOUVER POLICE DEPARTMENT (hereinafter referred to as
4 “VPD”), is a public entity as defined by Title II of the ADA. 42 U.S.C. § 12131: 28
5 C.F.R. § 35.104, and is being sued in an official capacity.
- 6 4. Defendant, CITY OF VANCOUVER (hereinafter referred to as the “City”), is a
7 public entity as defined by Title II of the ADA. 42 U.S.C. § 12131: 28 C.F.R. §
8 35.104, and is a Washington State municipal agency responsible for the actions of
9 VPD and its employees, and is being sued in an official capacity.
- 10 5. All defendants set forth above, unless otherwise indicated hereinafter are collectively
11 referred to as “Defendants.”
- 12 6. Each of the Defendants acted under color of state law and are responsible for the
13 deprivation of Plaintiff’s clearly established Constitutional, Civil rights.
- 14 7. Any reasonable official employed by any of the Defendants would have been aware
15 that he or she was depriving Plaintiff of his clearly established Constitutional, Civil
16 rights.

17 II. PREVIOUS LAWSUITS

- 18 8. Plaintiff has not brought before any other lawsuits in any federal court of the United
19 States.

20 III. JURISDICTION AND VENUE

- 21 9. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 1983, 28 U.S.C. §
22 1331 and 1343 as this action involves a federal question arising under the United
23 States Constitution.
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10. This court has subject matter jurisdiction over this matter pursuant to 42 U.S.C. §1983, which permits individuals the right to sue state government employees and others acting "under color of state law" for civil rights violations in federal court.
11. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims herein occurred in this district, and all parties reside, or are situated in, this district.

IV. STATEMENT OF FACTS

12. On or about February 5th, 2019, Plaintiff was driving his 2010 Ford F350 (hereinafter referred to as Plaintiff's "vehicle") in the City of Vancouver, Washington.
13. Riding along with Plaintiff at that time was an individual (hereinafter referred to as the "suspect") who was sought by law enforcement pursuant to an investigation of a serious offense which had recently to that date occurred in Cowlitz County, Washington.
14. Plaintiff brought his vehicle to a stop in a parking lot near the intersection of State Route 500 and Thurston way, where at least one marked and one unmarked VPD vehicle attempted to stop Plaintiff's vehicle so that they could make contact with the suspect.
15. Police were aware that the vehicle belonged to Plaintiff and that he was operating the vehicle at the time.
16. As police approached Plaintiff's vehicle, the suspect forced plaintiff out of the driver's seat and took control of the vehicle.
17. The suspect then drove Plaintiff's vehicle out of the parking lot with Plaintiff still within.

- 1 18. Police were aware that the suspect was operating the vehicle and that the Plaintiff was
2 still inside.
- 3 19. Plaintiff had broken no traffic laws at that time or given any legitimate reason for law
4 enforcement to stop his vehicle while he was operating his vehicle.
- 5 20. Plaintiff did not have any warrants for his arrest.
- 6 21. Plaintiff was not wanted for questioning in connection with the investigation of the
7 suspect or for any other reason by law enforcement at that time.
- 8 22. No verbal commands were made by Police officers for the driver of the vehicle to
9 stop.
- 10 23. Police officers followed and pursued Plaintiff's vehicle at high speeds, which pursuit
11 developed into a high-speed chase.
- 12 24. Police officers followed and pursued Plaintiff's vehicle in a high-speed chase onto
13 southbound Interstate 205 into Portland, Oregon, and then onto westbound Interstate
14 84 toward downtown Portland, Oregon.
- 15 25. While following and pursuing the Plaintiff's vehicle in a high-speed chase, VPD
16 police officers DOE fired numerous gunshots at and into Plaintiff's vehicle.
- 17 26. During the high-speed chase, neither the suspect nor the Plaintiff fired upon or
18 performed any aggressive act toward Defendants.
- 19 27. During the high-speed chase, VPD officers DOE conducted a Pursuit Intervention
20 Technique (PIT) maneuver on Plaintiff's vehicle, colliding VPD patrol vehicles with
21 Plaintiff's vehicle and forcing Plaintiff's vehicle into the concrete traffic ("Jersey")
22 barriers on westbound Interstate 84 in Portland, Oregon, causing total destruction of
23 Plaintiff's vehicle.
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1 28. During the high-speed chase, Plaintiff was struck by at least one of the dozens of
2 gunshots fired into and through his vehicle, causing Plaintiff significant, life-
3 threatening personal injury and pain and suffering, as a direct and proximate result of
4 VPD conduct.

5 29. Also damaged or completely destroyed within Plaintiff's vehicle were a significant
6 number of Plaintiff's items of personal property, which destruction was a direct and
7 proximate result of the VPD gunfire and the collision with the concrete Jersey barrier.

8 30. As a proximate result of the high-speed chase of Plaintiff's vehicle, the Plaintiff also
9 experienced severe emotional distress, gunshot wounds, destruction of personal
10 property, personal injury, both partial and permanent, and property damage.

11 **V. CLAIM**

12 **EXCESSIVE USE OF FORCE IN VIOLATION OF PLAINTIFF'S CIVIL RIGHTS**

13 31. Plaintiff realleges each and every fact set forth in the preceding paragraphs.

14 32. Defendants' gunfire and high-speed pursuit of the Plaintiff and his vehicle was a
15 violation of VPD policy.

16 33. Defendants' gunfire and high-speed pursuit of the Plaintiff and his vehicle was a
17 violation of United State's law and was not justified under the circumstances.

18 34. Defendants' gunfire and high-speed pursuit of the Plaintiff and his vehicle constituted
19 an unreasonable seizure depriving Plaintiff of his Fourth Amendment rights secured
20 by the Constitution.

21 35. Defendants knew or should have known that the use of lethal force to apprehend a
22 suspect constituted a violation of Plaintiff's Fourth Amendment rights.

23 36. As a direct and proximate result of Defendant's actions, Plaintiff suffered severe
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emotional distress, gunshot wounds, destruction of personal property, personal injury, and property damage.

37. At the time of the tortious conduct described herein, Defendant VPD officers DOE were on-duty officers employed by Defendants VPD and the City of Vancouver, public and municipal agencies.

38. Defendants' actions were committed while acting under the color of state law because Defendants pursued Plaintiff's vehicle to make contact with the suspect in connection with an ongoing investigation.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek the following relief:

- (1) Adjudicating and declaring that Defendants deprived Plaintiff of his Constitutional, Civil rights under color of state law.
- (2) An award of compensatory damages in an amount to be proven at trial for the injuries, property loss and all other pain, suffering and emotional distress he has suffered, both partial and permanent, as a direct and proximate result of Defendants' actions;
- (3) An award of punitive damages against each Defendant in an amount to be determined at trial;
- (4) An award of attorneys' fees, costs as allowed by statute; and
- (5) Such further and other relief as the Court deems equitable and just.

DATED this 4 day of February, 2022.


BRIAN A. WALKER, WSBA #27391
Attorney for Plaintiff

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